

1 **WO**

2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Yolanda Sanchez-Espinoza,) No. CV-08-8124-PCT-GMS (JRI)
10 Petitioner,) **ORDER**
11 v.)
12)
13 Dora B. Schriro, et al.,)
14 Respondents.)
15

16 Pending before the Court are Petitioner’s Petition for Writ of Habeas Corpus and
17 United States Magistrate Judge Jay R. Irwin’s Report and Recommendation (“R&R”). (Doc.
18 1, 17). The R&R recommends that the Court deny the Petition. The Magistrate Judge
19 advised the parties that they had fourteen days to file objections to the R&R and that failure
20 to file timely objections could be considered a waiver of the right to obtain review of the
21 R&R. *Id.* at 11 (citing Fed. R. Civ. P. 72(b); Rule 8(b), Rules Governing Section 2254
22 Proceedings; *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*)).

23 The parties did not file objections, which relieves the Court of its obligation to review
24 the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985)
25 (“[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the
26 subject of an objection.”); Fed. R. Civ. P. 72(b)(3) (“The district judge must determine de
27 novo any part of the magistrate judge’s disposition that has been properly objected to.”). The
28 Court has nonetheless reviewed the R&R and finds that it is well-taken. The Court will

1 accept the R&R and deny the Petition. *See* 28 U.S.C. § 636(b)(1) (stating that the district
2 court “may accept, reject, or modify, in whole or in part, the findings or recommendations
3 made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The district judge may accept, reject,
4 or modify the recommended disposition; receive further evidence; or return the matter to the
5 magistrate judge with instructions.”).

6 **IT IS ORDERED:**

7 1. Magistrate Judge Irwin’s R&R (Doc. 17) is **ACCEPTED**.
8 2. Petitioner’s Petition for Writ of Habeas Corpus (Doc. 1) is **DENIED**.
9 3. Pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases, in the event
10 Petitioner files an appeal, the Court declines to issue a certificate of appealability because
11 reasonable jurists would not find the Court’s procedural ruling debatable. *See Slack v.*
12 *McDaniel*, 529 U.S. 473, 484 (2000).

13 3. The Clerk of the Court shall **TERMINATE** this action.

14 DATED this 4th day of August, 2010.

15 

16 _____
17 G. Murray Snow
18 United States District Judge
19
20
21
22
23
24
25
26
27
28